



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:

A 7221 (PWR-PA)

SEP 13 2010

Mr. Ken Miguel
KGO-TV, ABC, Inc.
900 Front Street
San Francisco, CA 94111

Dear Mr. Miguel:

This is our second interim response to your Freedom of Information Act (FOIA) request, dated June 11, 2010, sent to Holly Bundock in our Regional Office. As we noted in our initial response, Ms. Bundock retired and we have worked with Point Reyes National Seashore to respond to your request. The Department of the Interior tracking number for this request is NPS-2010-755. Please include this number in future correspondence regarding your request.

You requested documents related to Point Reyes National Seashore including: a variety of documents and communications related to cameras in the Drake's Estero of Point Reyes National Seashore (Items 1 through 5); copies of photos taken from these cameras (Items 6 and 7); reports or documents for Harbor Seal population from 2006 to present (Item 8); and communications between NPS staff and the Lunny Family from 2006 to present.

On July 7, 2010, Acting Regional Director George J. Turnbull sent you a letter requesting clarification on two items in your request, and proposing technical options for delivering copies of the approximately 250,000 electronic photographic images involved. On July 13, in an electronic mail to Acting FOIA Officer Kevin Killeen, you provided the requested clarification and agreed to provide a portable hard drive onto which the park could copy the electronic photographs.

Correspondence with Kevin Lunny, Nancy Lunny, or the Drakes Bay Oyster Company (DBOC): In gathering the requested correspondence between the National Park Service (NPS) and the Lunnys and DBOC (Item 9), we noted that certain documents contain what the Lunnys might consider private information, or that might be confidential business information of DBOC. We have asked Mr. Lunny to let us know if he has any concerns regarding the release of this information and await his reply. After we have heard from him, we will provide a final response to your request.

Electronic Photographic Images Provided: Regarding copies of the electronic images (Items 6 and 7), the park received a portable hard drive from you on July 16, 2010. The park copied the images from the park's server to the portable hard drive, and returned the drive to you on August 2, 2010. The park included information on the file name and directory structure for the images.

Records Associated with the Installation and Use of the Wildlife Observation Cameras: We have searched for records responsive to Items 1 through 5 of your request, including searches of the paper and electronic files and email of the NPS employees specifically identified in Item 2. Enclosure 1 contains responsive records we are providing.

Harbor Seal Data and Documents Provided: Regarding Harbor Seal populations (Item 8), raw data are enclosed on CD, and other documents are included on paper. Enclosure 2 includes additional explanatory material and the printed documents.

We have redacted portions of certain documents because they reflect the personal opinions, recommendations, and advice of staff members and were used to arrive at a final agency decision. Disclosure of such material would inhibit the open and candid expression of such views in similar future deliberations, could confuse the public as to the official agency position on an issue, and have a detrimental effect on our decision making process. Therefore, we are withholding the materials pursuant to exemption 5 of the FOIA (5 U.S.C. 552(b)(5)), which permits an agency to withhold "interagency or intra-agency memorandums or letters that would not be available by law to a party . . . in litigation with the agency."

In addition, certain records have personal information redacted for people who are not NPS staff, including a graduate student doing research in the park, a friend of the graduate student, and a park volunteer. The Department maintains that the individuals identified in the records have privacy interests in withholding this information. We do not perceive, nor have you enunciated, any public interest that would be served in disclosing this data, which would outweigh the privacy interests of the subject individuals. The release of the individuals' names, addresses, telephone numbers, and/or electronic mail addresses would be a violation of their privacy. Therefore, we are withholding this information under exemption 6 of the FOIA (5 U.S.C. 552(b)(6)), which permits an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

If you consider this response a denial, you have the right to appeal this decision by writing to the Freedom of Information Act Appeals Officer, Department of the Interior, 1849 C Street NW, MS-7456, MIB, Washington, D.C. 20240. Your appeal must be in writing and received no later than 30 workdays after you have received our final response letter. A copy of your original request and this letter should accompany the appeal as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "Freedom of Information Appeal" both on the envelope and the face of the letter.

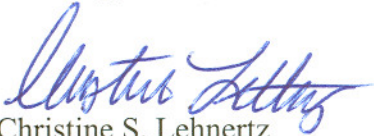
Alternatively, as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services (OGIS)
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

In addition to myself, Attorney Advisor Deborah Bardwick and Acting FOIA Officer Kevin Killeen participated in this decision. If you have questions about the processing of your FOIA request, Kevin can be reached at 206-220-4051.

Sincerely,



Christine S. Lehnertz
Regional Director, Pacific West Region

Enclosures

cc: Kevin and Nancy Lunny